

## RULING ON CRIMINAL LIBEL

In Case of Indianapolis News: If Owners Not Present Could Not Be Guilty.

### MALICE MUST BE EXPRESSED.

Defendants Successfully Resist, Temporarily at Least, Removal to District of Columbia for Trial.

Indianapolis, June 1.—Deavan Smith and Charles Williams, editors of the Indianapolis News, today successfully resisted, for the moment at least, their removal to the District of Columbia to stand trial for criminal libel on account of publishing articles intimating that there was enormous graft in the Panama canal purchase.

Lawyers for the publishers denied malice in the stories and editorials complained of. They gained from Judge Anderson a ruling that evidence should be introduced to this effect.

The defendants committed no offense for which they could be removed to another district for trial, they said. All they wanted was damages against the publisher. But in a criminal action a different degree of malice was required—it must express malice, he said.

"Of course, there is back of this the intent," said Judge Anderson. "The owner of a newspaper might well be held civilly for anything that appeared in his pages, because the men who put it there are his agents, but when it comes to a question of criminal liability for publication of an article, it is different."

"As for example, if the proprietor of a newspaper in New York (I could not cite this illustration for a western paper, for because rich as they are, they are not rich enough to own their own yachts)—but suppose the proprietor of a New York paper should be off for six months cruising in his yacht. In his absence a vicious article appeared in his paper. Should he be held criminally? It does not occur to me that he could be held criminally liable."

"I am speaking about the ultimate facts. If the owner is not present he actually knew nothing about the publication and could not possibly be held guilty of the crime."

Questioning Charles R. Williams, editor of the News, Asst. United States Dist. Atty. McManis drew out that Mr. Williams had not written the editorials complained of, in which it was declared to be desirable that the part of C. P. Taft, Douglas Robinson, William Nelson Cromwell and J. Pierpont Morgan in the Panama transfer should be investigated. He had, however, approved them. Mr. Williams said the publication of the editorials, he thought, was in the interest of public morality and integrity.

Ernest I. Lewis, who wrote the editorials and handed them to Mr. Williams, told the court that he wrote them because he thought the subject was "the biggest thing in the world, plain." He had made no personal investigation into the records of the senate inquiry and he did not know personally that C. P. Taft was involved in the Panama transfer. A newspaper did not have the time to make such investigations, he said.

Deavan Smith testified that he had no personal knowledge of the editorials before they were published, as Mr. Williams had full charge of the editorial page.

Ernest I. Lewis, a staff correspondent of the News, declared he had no instructions from his paper as to how he should handle the Panama canal matter in his dispatches.

### HAIRPIL MEDICINES

cannot be sold by any druggist in America today except under penalty of the law. This is what the Pure Food and Drugs Law has accomplished for the people. Such standard preparations, however, as Lydia E. Pinkham's Vegetable Compound, which, for thirty years has stood the test of time and complies with all conditions of this law, will continue to be sold by every reputable druggist in the land.

### SHERIFF SHIPP CONTEMPT CASE POSTPONED

Washington, June 1.—In the cases of former Sheriff Shipp and others of Chattanooga, charged with contempt of the supreme court of the United States, the court today postponed the passing of sentence to June 10, on account of the illness of the prisoners.

The arrangement of six men before the bar of the highest court of the nation was a scene unprecedented in the annals of that tribunal. The prisoners consist of former Sheriff Joseph F. Shipp of Hamilton county, Tenn.; and his jailer deputy, Jeremiah Gibson, and Luther Williams, Nick Nolan, Henry Padgett and William Mayes, all of Chattanooga.

They were found guilty a week ago by the court on the charge of permitting and participating in the lynching in 1905 of Ed Johnson, a negro condemned to hang, after conviction for rape. The supreme court had granted Johnson permission to bring his case before the court on appeal. This, of course, caused the postponement of the execution and the feeling in Chattanooga culminated in the riot following in the hanging by a mob.

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**CARTER'S LITTLE LIVER PILLS.**

Positively cured by these Little Pills. They also relieve Distress from Dyspepsia, Indigestion and Too Heartily Eating. A perfect remedy for Biliousness, Nausea, Drowsiness, Bad Taste in the Mouth, Coated Tongue, Pain in the Side, TORPID LIVER. They regulate the Bowels. Purely Vegetable.

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**CARTER'S LITTLE LIVER PILLS.**

REFUSE SUBSTITUTES.

## TYPES AND SCENES AT SEATTLE FAIR: KEY WITH WHICH MR. TAFT OPENED YESTERDAY



With a gold telegraphic key presented to him recently by Secy. Ballinger and the congressional delegation from Washington, President Taft, after the White House opened the Alaska-Yukon-Pacific exposition at Seattle yesterday. The key is mounted on Alaska marble and is ornamented with gold nuggets from Alaska. It was connected with the White House telegraph wires, and the president touched it on the day of opening, thereby setting in motion the machinery of the exposition. The key was given to the exposition manager by George W. Carmack, who is credited with being the original discoverer of gold in the Klondike. The nuggets that adorn it are from Mr. Carmack's original Klondike claim. The success of the great northwest exposition is already assured, for the thousands of people who visited it before the formal opening stamped it as being truly a city of wonders.

This group of pictures contains the gold-studded key, types of Alaskan Indians to be seen at the fair and a view of the buildings in a wooded corner of the grounds.

of an employee cannot so act with impunity. In Robinson's case it was shown that he had refused to testify by the grand jury regarding his alleged conversation with one of the Heinze brothers, maintaining that both he and Heinze were attorneys for the company and that their conversation was privileged. Judge Lacombe declined to accept the plea.

Members of the bar," he said, "who choose to become officers or directors of companies and who are accused as directors of conspiring to violate the law cannot evade the challenge by claiming to be members of the bar. If the minutes of the grand jury show that the situation is, as I now understand it to be, I shall certainly commit Robinson for contempt."

Sooths itching skin. Heals cuts or burns without a scar. Cures piles, eczema, salt rheum, any itching. Doan Ointment. Your druggist sells it.

**MEDICAL STAFF RESIGNS.**  
New York, June 2.—The entire staff of 10 physicians and the superintending nurses have resigned from the Brooklyn home for consumptives because of a disagreement with the board of managers. In a statement issued by the physicians they say that the managers have insisted on keeping young children in the first stages of tuberculosis in the wards with hopeless invalids. Several of the resigning doctors have volunteered to remain in service until a new staff is found.

**HAIR ON FACE, Neck and Arms.**  
Removed by the New Principle DeMiracle  
A revelation to modern science. It is the only scientific time-saving method for removing hair from the face and neck. It is the only method which is endorsed by physicians, surgeons, dermatologists, medical journals and prominent magazines. DeMiracle, sealed in glass, requires no pain. Your money back without question (no run) if it fails to do all that is claimed. Write for free literature to DeMiracle Chemical Co., 1809 Park Ave., New York.

For sale at all good stores and DRUGGISTS & FRANKEN, 271 S. Main, S. L. City.

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Good Tea revives the energies without any uncomfortable after effects.

Good Tea will invigorate and strengthen you for a better day's work.

But get GOOD TEA. There is none better at twice the price than Hewlett's Uncolored Japan Tea.

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9:30, 12:15, 2:00 and every 45 minutes thereafter. Round trip 25c.

**EXCURSIONS EAST.**  
From Ogden, Salt Lake and points on main line of Rio Grande Western Ry. to Chicago and return.....\$35.00  
St. Louis and return.....\$45.00  
St. Paul and Minneapolis.....\$52.00  
Omaha, St. Joe and Kansas City.....\$40.00  
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Dates of Sale—June 4, 5, 11, 12, 16 and 26, July 2, 3, 23 and 24, August 13 and 14, and September 10 and 11.  
Long limit and stopovers via Colorado Midland railway.  
Write for full information and beautiful book of Colorado views.  
L. H. HARDING, Gen. Agent,  
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Expert Kodak Finishing.  
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That Good "Coal"

**Clear Creek**  
The climax of 14 years' search for coal that's a little better than other kinds.

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of shaving is realized only with the

**Electric Cup**

**HOT WATER**  
when you want it, where you want it, and at just the right temperature

Connects to the electroliner like an incandescent lamp

Especially convenient when the fire is low or out, and there is no hot water

Simple Safe Clean Durable

UTAH LIGHT & RAILWAY CO.  
"Electricity for everything."  
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**NO CURE - NO PAY**  
\$1.00 PER PAIR

**ELECTROPODES**  
A NEW ELECTRIC TREATMENT

**ELECTROPODES**  
Store Up Nerve Force

Nerve weakness is the cause of all worry; writes failure in the faces of its victims, and bars the road to success. Your vitality, energy and will power depend entirely upon your nerve force. To increase your nerve force you must use electricity—and this is best done by means of ELECTROPODES.

**WHAT THEY ARE**  
ELECTROPODES are insulated metal insoles—worn in the heels of the shoes. One is of copper, the other of zinc—forming the positive and negative elements of a galvanic battery. The positive plate is placed in one shoe, the negative in the other.

**HOW THEY ACT**  
One foot rests upon the positive and one upon the negative plate. The nerves become the connecting wires, feed the blood and tissues of the body a soothing flow of electricity throughout the entire day—giving the system time to absorb it.

**ELECTROPODES POSITIVELY CURE**  
Rheumatism, Neuralgia, Headache, Kidney Troubles, Backache, Weak Heart, Sleeplessness, Lumbago, Stomach and Liver Complaints are positively cured by ELECTROPODES—or money refunded. Buy ELECTROPODES of your Druggist—and if after thirty days' trial you are dissatisfied, he will refund you the \$1 you paid for them.

ELECTROPODES have cured more cases of Nervous Headaches and other Nervous Afflictions than any other first remedies combined. If your Druggist cannot supply ELECTROPODES, have him order a pair for you from

**SMITH-BAILEY DRUG COMPANY.**  
WHOLESALE DISTRIBUTORS. SALT LAKE CITY, UTAH.

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We have all kinds. No matter what you want to use them for, we have the right thing. All prices, from the very best to the most inexpensive. We've lots of good paint to go with them, too. Let us be your paint dealer.

**Salt Lake Glass & Paint Co.**  
28 Main Street.

Begin by getting your engagement ring of us, then it is fair for us to presume that you will buy all your other jewelry and silverware of us, too.

We can save you just as much on the cost of silver as we do on diamonds.

**ESTABLISHED 1862**  
**Parker**  
SALT LAKE CITY, UTAH

**THE STATE BANK OF UTAH**  
SALT LAKE CITY, UTAH  
Established in 1859.

Solicits accounts of Banks, Firms and individuals, and extends to customers every reasonable courtesy and facility.

**JOSEPH F. SMITH, President**  
**ANTHONY H. GRANT, Vice President**  
**W. F. BARNES, Cashier**  
**H. T. McEWAN, Asst. Cashier**

**NATIONAL BANK OF THE REPUBLIC**  
U.S. DEPOSITORY.  
FRANK KNOX, President  
JAMES A. MURRAY, Vice President  
W. F. BARNES, Asst. Cashier  
E. A. CULBERTSON, Asst. Cashier  
Capital and Surplus.....\$425,000.00  
Reserve and Profits.....\$100,000.00  
Total.....\$525,000.00  
Savings Department conducted in connection with this bank. Safe deposits boxes for rent.

**McCormick & Co. BANKERS**  
SALT LAKE CITY, UTAH  
Established 1874.

**U. S. DEPOSITORY.**  
**DESERET NATIONAL BANK**  
SALT LAKE CITY, UTAH.

Capital.....\$500,000.00  
Surplus.....\$500,000.00  
Total.....\$1,000,000.00  
L. S. HILLS, President  
J. H. CUTLER, Vice President  
H. S. YOUNG, Cashier  
EDGAR E. HILLS, Asst. Cashier  
J. B. BURTON, Asst. Cashier

**THE DESERET SAVINGS BANK**  
DIRECTORS: Moses Thatcher, Vice President; Elias A. Smith, Cashier; L. C. Johnson, Secy.; J. H. Cutler, David Eccles, A. W. Carlson, George Romney, J. B. Burton, W. F. Barnes, Read Smoot, W. F. James.  
4 per cent interest paid on savings.

**UTAH COMMERCIAL AND SAVINGS BANK**  
WM. F. ARMSTRONG, President  
BYRON GROSS, Cashier

Commercial Banking in all its branches. Four per cent interest paid on savings deposits.

**ACCOUNTS SOLICITED.**

**WALKER BROS., Bankers**  
(Incorporated). Established 1859.  
Capital.....\$250,000.00  
Surplus.....\$100,000.00  
Absorbed the Salt Lake Branch of Wells-Fargo & Co's Bank.

**R. G. DUN & CO.**  
20 OFFICES.  
**THE MERCANTILE AGENCY.**  
George Rust, General Manager, Idaho.  
Office in Progress Building, Salt Lake City, Utah.

**NOTICE OF SPECIAL STOCKHOLDERS' MEETING.**  
HOME FIRE INSURANCE COMPANY OF UTAH.  
Notice is hereby given that a special meeting of the stockholders of the Home Fire Insurance Company of Utah, will be held at Room 2, Home Fire Building, Nos. 2-24, South Main Street, Salt Lake City, Utah, on Tuesday, June 8th, 1909, at 3:30 o'clock p.m., of said day, to consider and vote upon the following proposition, to-wit:

To increase the capital stock of the company from \$250,000 to either \$300,000 or \$500,000, by increasing the number of shares of the company from 2,500 shares to 3,000 shares or 5,000 shares as may be determined at said meeting, and to amend the Articles of Incorporation, so as to fully accomplish and put into effect the said amendment, if favored by a majority of the stockholders of the company.

Dated May 14th, 1909.  
HEBER J. GRANT, President  
GEO. J. CANNON, Asst. Secretary.  
Home Fire Insurance Company of Utah.

**NOTICE TO CONTRACTORS.**  
The Trustees of Eureka School District No. 5, County of Juab, State of Utah, will receive bids up to 10 o'clock a.m. (June 10th, 1909) for the erecting of a school building. Plans and specifications can be found at Eureka, Utah; also at the office of Walker Bros., Bankers, Eureka, Utah. Each bid must be accompanied by a certified check for 5 per cent of the amount thereof as a guarantee that the accepted bidder will enter into contract, and give an approved bond within a week after said work is awarded, otherwise the amount to be forfeited to said district. The trustees reserve the right to reject any and all bids.  
By order of the Board of Trustees,  
JOHN McNEIL, Clerk.  
Dated at Eureka, May 28th, 1909.

**NOTICE.**  
To the stockholders of the Ophir Consolidated Mining Company—Pursuant to the provisions of the Articles of Incorporation of said company, notice is hereby given that a special meeting of the stockholders of said company will be held at the company's office, 333 Atlas Block, Salt Lake City, Utah, on Tuesday, June 8th, 1909, at 10 o'clock a.m., for the purpose of voting on the proposition of selling the company's mining claims in Ophir Mining District, Tooele County, Utah, for the sum of \$50,000.

DANIEL HARRINGTON, Secretary of Said Company.  
Dated May 28th, 1909.

**PHOENIX MINING COMPANY.**  
Notice of Special Stockholders' Meeting.  
Notice is hereby given that a special meeting of the stockholders of the Phoenix Mining Company will be held in the company's office in Salt Lake City, Utah, on Tuesday, June 8th, 1909, at 10 o'clock in the forenoon of said day, for the purpose of considering and voting on the amendment of Article five of the Articles of Incorporation, so that the same when amended shall read as follows:

"The place of the general business of said corporation shall be in the County of Salt Lake, and the State of Utah, but the City of Boston, in the State of Massachusetts, shall be designated as a place of business of said corporation, where said corporation may establish and maintain an office for the general, financial, and commercial business, and for the transfer and receipt of stock, and for the holding of meetings of the Board of Directors, and the transaction of all business of said corporation, and may, from time to time, call a meeting of the Board of Directors at some convenient office within the City of Boston, and the Board may there determine upon the particular location of the office of the company in the City of Boston, and may hold several meetings of the Board of Directors, of which notice may be given by the Secretary of the Board, and the Board of Directors shall have power at any time to establish additional places of business outside the State of Utah, where meetings of the Board of Directors may be held, and all business properly coming before said board may be transacted, and where the general, financial, and commercial business of the corporation may be conducted, and the transfer and receipt of stock may be kept, and the meetings of the Board of Directors may be held outside of the State of Utah, with the same power and authority as if held in the State of Utah, and all business properly coming before said board may be transacted in the State of Utah."

Second—It is proposed to amend Article six of the Articles of Incorporation so that the same when amended shall read as follows:

(1) Board of nine directors  
(2) President  
(3) Vice President  
(4) Secretary  
(5) Treasurer

That the qualifications of the Secretary and Treasurer may be held by the same person, and that the Secretary and Treasurer may or may not be directors, and that the Board of Directors may determine the number of the board shall constitute a quorum.

The President, Vice President, Secretary and Treasurer, shall be elected by the Board of Directors.

That the qualifications of the officers of said corporation shall be as follows: That it is to be eligible to the office of President, Vice President or Treasurer, the person must be a resident of the State of Utah, and all other officers must be residents of any other state or states, and shall not be residents of the State of Utah.

Dated at Salt Lake City, Utah, May 28th, 1909.  
J. H. MANWARING, Secretary of Said Corporation.  
First publication May 5, 1909.

**SHERIFF'S SALE.**  
In the District Court, in and for Salt Lake County, Utah, J. B. Thompson, plaintiff, against Sheriff J. B. Thompson, defendant. To be sold at sheriff's sale at two o'clock in the afternoon of the 12th day of June, 1909, at the County Court house in the City and County of Salt Lake, State of Utah, on the 7th of June, 1909, all the right, title, claim and interest, said defendant, of, in and to the following described real estate, to-wit:

Lots 22 and 23, block 7, Arlington Heights Subdivision, Salt Lake County, Utah.

Trustee's price payable in lawful money of the United States.  
Dated at Salt Lake City, Utah, this 15th day of May, 1909.  
JOSEPH C. SHARP, Sheriff of Salt Lake County, State of Utah.  
By W. B. Booth, Deputy Sheriff.  
Lawrence & Robertson, Attorneys for Plaintiff.  
Date of first publication, May 12th, 1909.

**DELINQUENT NOTICE.**  
THE TORBANEHILL MINING CO. Principal place of business Salt Lake City, Utah. Notice—There are delinquent on the following described stock account of assessment No. 3, levied on the 12th day of April, 1909, the several amounts set opposite the names of the respective stockholders:

Delinquent	Shrs.	Am't.
184 David P. Anderson	100	2.50
185 David P. Anderson	100	2.50
186 David P. Anderson	100	2.50
187 David P. Anderson	100	2.50
188 David P. Anderson	100	2.50
189 David P. Anderson	100	2.50
190 David P. Anderson	100	2.50
191 David P. Anderson	100	2.50
192 David P. Anderson	100	2.50
193 David P. Anderson	100	2.50
194 David P. Anderson	100	2.50
195 David P. Anderson	100	2.50
196 David P. Anderson	100	2.50
197 David P. Anderson	100	2.50
198 David P. Anderson	100	2.50
199 David P. Anderson	100	2.50
200 David P. Anderson	100	2.50

Under the provisions of the law, an order of the Board of Directors made on the 12th day of April, 1909, so many shares of such parcel or stock as may be necessary will be sold at the company's National Bank Building, Salt Lake City, Utah, on the 5th day of June, at 11 o'clock a.m., of said day, at assessment, together with the cost of advertising and expense of sale.

D. SMELLIE, Secy.

**DELINQUENT NOTICE.**  
MAYFLOWER CONSOLIDATED MINING COMPANY—Principal place of business, Tooele County, Utah. Notice—There are delinquent on the following described stock account of assessment No. 3, levied on the 12th day of April, 1909, the several amounts set opposite the names of the respective shareholders, to-wit: